

### **III. REMARKS**

Claims 1-40 are pending in this application. By this amendment, claims 1, 8, 15, 22, 28 and 35 have been amended. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Office, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the subject matter. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-5, 7-13, 15-17, 20-26, 28-31 and 33-39 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Lenz (U.S. Patent No. 6,029,196), hereafter "Lenz," in view of Official Notice. Claims 6, 19 and 32 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Lenz in view of Parkman (U.S. Patent Pub. No. 2003/0046375), hereafter "Parkman." Claims 14, 27 and 40 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Lenz in view of Hesse (U.S. Patent No. 5,950,010), hereafter "Hesse."

#### **A. REJECTION OF CLAIMS 1-5, 7-13, 15-17, 20-26, 28-31 AND 33-39 UNDER 35 U.S.C. §103(a) OVER LENZ IN VIEW OF OFFICIAL NOTICE**

With regard to the 35 U.S.C. §103(a) rejection over Lenz in view of Official Notice, Applicants assert that the cited references do not teach or suggest each and every feature of the claimed invention. For example, with respect to independent claims 1, 8, 15, 22, 28 and 35,

Applicants submit that the cited references fail to teach or suggest a hand-held mobile device. The Office admits that Lenz does not teach this feature, but instead relies on Official Notice that is based on alleged knowledge of mobile devices at the time Lenz was invented. Applicants assert that the Office's factual assertion is not properly based upon common knowledge. For example, Applicants assert there are many operations that a normal computer system may be able to do that a hand-held mobile device may not, due to the limitations brought on by the size and portability of the hand-held mobile device. Thus, a hand-held mobile device that performs the functions of the claimed invention is not obvious to one skilled in the art as asserted by the Office. Accordingly, Applicants respectfully request that the Office support the finding with references that show these features or withdraw the rejection.

With further respect to independent claims 1, 15 and 28, Applicants respectfully submit that Lenz also fails to teach or suggest comparing time values of the updated properties file to time values of the client properties file in the application memory to determine whether the client properties have been changed by a user. The Office cites a passage of Lenz that describes comparing versions of particular software. Initially, Applicants disagree with the Office's equating of the comparison of versions in Lenz with the time information. This is because a version of particular software may be completely independent of the time in which it was created. On the other hand, checking for time values may indicate that a file has changed even if its version, if any, remains the same.

Furthermore, the comparison of Lenz is not done to determine whether client properties have been changed by a user. Rather, Lenz is only concerned with whether the latest version of the software has been pushed from the server to the client. In contrast, the claimed invention

includes "...comparing time values of the updated properties file to time values of the client properties file in the application memory to determine whether the client properties have been changed by a user." Claim 1. As such, the comparing of the claimed invention is not merely of version numbers to determine whether software needs to be replaced with an updated version as in Lenz, but rather time values of the updated properties file are compared to time values of the client properties file to determine whether the client properties have been changed by a user. For the above reasons, the version number comparison of Lenz does not teach or suggest the comparing of time values of the claimed invention. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With further respect to independent claims 8, 22 and 35, Applicants respectfully submit that Lenz also fails to teach or suggest reconciling the updated properties file with the client properties file in the client database to yield a reconciled properties file to retain changes made to the client properties file by a user. As stated above, the goal of Lenz is to make sure that the most current version of the server software is pushed from the server to the client. To this extent, Lenz does not take into consideration whether the client properties file has been changed by the user. As such, Lenz does not attempt to retain such changes to the client properties file, but rather, simply overwrites them with the newest version. The claimed invention, in contrast, includes "...reconciling the updated properties file with the client properties file in the client database to yield a reconciled properties file to retain changes made to the client properties file by a user." Claim 8. As such, the reconciling in the claimed invention is done in such a way that changes made to the client properties file by a user are retained and does not merely blindly replace one version with another as does Lenz. Thus, the reconciling of the claimed invention is

not taught or suggested by the version replacement of Lenz. Accordingly, Applicants request that the rejection be withdrawn.

With respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of these rejections.

#### **B. OTHER REJECTIONS UNDER 35 U.S.C. §103(a)**

With regard to the Office's other arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims listed above. In addition, Applicants submit that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these rejections individually, but reserve the right to do so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

#### **IV. CONCLUSION**

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such

combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,



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